THE HINDU LAW REFORM COMMITTEE, MYSORE.

Questionnaire.

This Committee has been appointed by the Government to suggest suitable amendments to the various provisions of the Hindu Law Women's Rights Act, 1933, so as to resolve the difficulties felt in the interpretation of the existing provisions of the Act and to bring the law in consonance with the spirit of modern times.

The Hindu Law Women's Rights Act came into force in Mysore on the 1st of January 1934. During the 11 years that have since elapsed, several of its provisions have come up for interpretation before courts of law. Valuable suggestions have been made by the High Court in their judgments in cases that came up for decision under the Act. Several difficulties, which arise in the construction of the existing provisions of the Act have also been indicated by the High Court. During the past decade there has been considerable progress in social conditions that renders the amendment of the Act necessary so as to be in consonance with the progressive ideas of the present day. The functions of this Committee are therefore twofold :—

(1) to suggest suitable amendments so as to resolve the difficulties felt in the interpretation of the existing provisions of the Act and clarify the law contained therein ; and

(2) to keep the frame work of the Act as the basis and suggest such amendments to the provisions of the Act as may be necessary or desirable so as to bring the Act in consonance with the spirit of modern times.

In order to facilitate the enquiry and to give opportunity to all persons interested to place before the Committee their views on the several matters which will come up for consideration before the Committee as regards the second of the abovesaid functions, a set of questions has been prepared and is published for general information.

The memorandum appended to this questionnaire will indicate the purpose and the scope of the questions included herein.

The answers need not be limited to the precise points covered by these questions. The Committee will welcome any suggestions or expressions of opinion on matters not covered by this questionnaire, but which are within the scope of the enquiry.

It will be appreciated if answers are furnished as early as possible and in any case not later than 15th December 1945 to the address of the Secretary, Hindu Law Reform Committee in Mysore, Public Office Buildings, Bangalore. Copies of the questionnaire may also be obtained on application to that officer.

BANGALORE CITY,
1st November 1945.

S. VENKATARANGA IYENGAR,
Chairman.

(REFERENCES IN THESE QUESTIONS TO THE ACT AND SECTION SHOULD BE CONSTRUED AS REFERENCES TO THE HINDU LAW WOMEN'S RIGHTS ACT, 1933 AND TO SECTIONS OF THIS ACT RESPECTIVELY.)

PART I—Intestate Succession.

Q.—**1.** Are you in favour of providing that certain close relatives of the deceased like son, grandson whose father is dead, great grandson whose father and grandfather are both dead, widow, daughter or any other relative should be given the right to succeed simultaneously to the separate property of a Hindu male dying intestate ?

Q.—**2.** If your answer to Question 1 is in the affirmative, who, in your opinion, should be the persons who should be given the right of such simultaneous succession ?

Q.—**3.** What, in your opinion, should be the shares that should be allowed to each of the persons whom you specify in reply to Question 2 ?

Q.—**4.** Are you in favour of providing for simultaneous succession of the grand-daughters of a male dying intestate irrespective of whether they are son's daughters or daughter's daughters ?

Q.—**5.** Are you in favour of placing son's daughters and daughter's daughters above the mother in the order of succession ?

Q.—**6.** Are you in favour of providing that brother's daughters and sister's daughters should succeed simultaneously ?

Q.—**7.** Are you in favour of placing daughters of brothers and sisters above the father's mother in the order of succession?

PART II—Partition.

Q.—**8.** Are you in favour of giving women who are entitled to shares in joint family property under sub-section (1) of section 8 a right to demand partition?

Q.—**9.** If your answer is in the affirmative, would you prefer a provision being made to the effect that such a demand for partition or the separation of her share and placing it in her possession shall not disrupt the family and the family shall continue joint notwithstanding such partition or the separation of her share?

PART III—Adoption.

Q.—**10.** Are you in favour of empowering the widow to make an adoption to her husband in the absence of an express prohibition in writing by him?

Q.—**11.** In cases where an adoption by a widow is valid, are you in favour of recognising the adopted son as an *aurasa* son for purposes of succession to property?

Q.—**12.** If the answer to question 11 is in the affirmative, would you impose on the widow any time limit within which to make the adoption in order not to disturb successions which have already taken place?

PART IV—Stridhana.

Q.—**13.** Are you in favour of abolishing the notion of limited estate and including all property of a female as her stridhana? If you are not in favour of including all property of a female as her stridhana, are you at least agreeable to deleting the words—"except when there is a daughter or daughter's son of the propositus alive at the time the property is so inherited" in section 10 (2) (*g*) of the Act?

Q.—**14.** Are you in favour of having only one order of succession to Stridhana?

Q.—**15.** If so, what order would you suggest?

PART V—Maintenance.

Q.—**16.** Are you in favour of adding a widowed daughter-in-law in section 22 (1) of the Act as one of the persons whom a Hindu male is bound to maintain?

Q.—**17.** Are you in favour of giving a wife a right to refuse to live with her husband and claim separate maintenance in a case where the husband is a lunatic or an idiot?

Q.—**18.** Are you in favour of amending section 23 (*e*) of the Act so as to make it applicable to renouncement by a husband of his religion, whatever it may be?

Q.—**19.** Are you in favour of adding one more clause to section 23 of the Act as follows:—

"for any other justifiable cause"?

PART VI—General.

Q.—**20.** Are you in favour of making the provisions of the Partition Act (III of 1913) applicable to all cases of division of property arising under this Act?

Q.—**21.** Are you in favour of a provision preserving to *Dasi Putra* whatever rights he has under the Hindu Law?

Q.—**22.** If you are not in favour of such a provision, are you in favour of stating that 'son' in the Act does not include a *Dasi Putra*?

Q.—**23.** Are you in favour of a provision that except in the case of an after-born son, an adopted son has the same rights under the Act as an *aurasa* son.

Q.—**24.** Are you in favour of the provision that, if, after adoption, a son is born to the adoptive father, the adopted son should have the same share in the adoptive father's property as a natural born son?

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